THE TRAVANCORE NAYAR REGULATION AMENDMENT BILL.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Sir, in pursuance of the leave kindly granted to me by the Government and this House, I beg to introduce a Bill to amend the Nayar Regulation II of 1100.

MR. A. C. KURIAKOSE (*Minachil* cum *Devicolam*): I second it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I beg to move that the Bill be read in Council.

MR. A. C. KURIAKOSE (*Minachil* cum *Devicolam*): I second it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): The Bill with the statement of obejects and reasons was published in the Government Gazette and I hope that copies are already in the hands of the non-official members. My object, as I stated early, is to get Section 41 of the existing Regulation replaced by another Section. I shall now read what that Section 41 is which I am endeavouring to see removed. Section 41 says:

> "Property acquired by gift or bequest from the father or husband before Regulation I of 1088 came into force shall, for the purpose of this Chapter, in the absence of evidence to the contrary, be treated as the Tarwad property of the donee or devisees and of their Thavazhee".

Sir, in the first place my complaint is while into Marumakkatayam properties outright principles of Makkatayam are introduced and even individual partition is sanctioned by law. It is a matter for serious dissatisfaction that Hindu property which is admittedly Makkatayam, the essence and spirit of Marumakkatayam practices and Marumakkatayam instincts have been introduced. While the law has already sanctioned partition of Makkatayam properties, it has also laid down principles governing partition in respect of Marumakkatayam properties. That principle is laid down under Section 22 of the same Regulation.

Section 22 says:

> "Property acquired by gift or bequest by the wife or widow or child or children from the husband or father, as the case may be, after Regulation I of 1088 came into force, shall, unless a contrary intention is expressed in the instrument of gift or bequest, if any, belong to the wife or widow and each of the children in equal shares".

Well, I have no quarrel with that principle at all. All that I desire to do is to have this principle, a very wholesome principle that has been accepted by the Legislature, extended to Makkatayam properties generally. In Section 41 of the Regulation, it is said, that, essentially Makkatayam properties acquired before 1088 should be treated differently from Makkatayam properties acquired after that date. I say that is unfair to the people, and there is a growing sense of grievance amongst the people, owing to that distinction and difference in the right of inheritance. I do not say that it is entirely new. Even under Section 70 of Regulation I of 1088 a Full Bench of the High Court decided that Section conferred complete right of partition of Makkatiyam properties. I do not think that there was a subsequent decision

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to the contrary. My purpose here is not to enquire which of these decisions was correct. I am concerned and vitally concerned to point out that the principle of partition of Makkatayam properties has been recognised as early as even 18 years ago. That is the only thing that I wish to emphasise. Now, there is hardly any justification for laying down two sets of devolution for one and the same kind of properties. If it is Makkatayam property it should be governed by some rules of devolution. If Marumakkatayam property let it be governed by another set of rules. We cannot both be Makkatayees and Marumakkatayees at the same time. If there are conflicting decisions of the High Court, the Legislature intervenes to put matters right. I need hardly remind the House that that was at a time when opposition to partition generally was very strong and evidently I was not in the Council at the time. But I was sitting and listening to the debate. I thought that at the closing stage of the Bill there was a disposition for give and take. There were people who were against individual partition and that opposition had to be bought up. Probably they arrived at some compromise with the result that into Makkatayam properties Marumakkatayam principles were introduced, while, into admittedly Marumakkatayam properties, Makkatayam principles were introduced including individual partition. This is the difficulty. The only justifiable reason for doing that was a difference in date. If it was acquired in the last day of the year 1088 it is Marumakkatayam and if after that it becomes Makkatayam. That is a very arbitrary way of making a legal distinction, conferring a legal right on one and the same kind of property. Sir, I do not want to detain the House by saying anything further than that. It might be said that at the time when the property was acquired, by a father, before 1088, there was no sanction for division of property and it was possible that he had not intended that property should ever be divided. But if the property is ever to be divided, the principle that should govern partition has not been settled and in fact probably if the parents were alive, as they have now agreed, to the provision contained in the other Section the natural inference is, they would not have agreed to partition among their own children.

DEPUTY PRESIDENT: That is not the current of decision either in British India or in Travancore. They want to treat it as sub-tarwad properties in which children and grand children of the rightful donor can share equally.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I am only talking of cases where father or mother is alive or children are alive. If you want to call a property as sub-tarwad property, it has to be divided in certain directions. It should have descended to grandchildren through female line of descent. When it has descended to grand-children, it means that the sister's children have begun to inherit the property. I may call that as sub-tarwad property. But in cases where father is alive or the mother is alive or where children are alive, then, this distinction ought not to be made.

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MR. A. THANU PILLAI (*Trivandrum*): If only some of these people are alive, what do you say?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Certainly, my Bill provides for that. Children of the deceased brothers and sisters might come in their place. I do not want to take away the right of anybody for the reason that he or she is dead. If any person is dead, in his place, his children can come. All that I would say is that if children are alive, property should be treated as Makkathayam and Marumakkathayam principles governing partition as laid down in Section 22 shall apply. That is my object. The reason why I brought a provision like this is there are numerous cases where an intense feeling of despair was felt when divisions were effected. The eldest son of a father has to take shares with sister's children in equal shares. That is extremely insulting to the self respect of a son and also to natural right. No law has any right to do violence or to oppose the principle of moral justice. If a father acquired property, he acquired it for children primarily. If there was no partition at the time, it must be presumed that his object was that the property ought not to be divided. But if a division ever came what is to be done. I ask this Council, whether, the principle laid down under Section 41, does not require re-examination. I do not ask them to do anything more than that. The principle involved in that Section, in view of the social feeling among Nayars, owing to the change of outlook and economic position and other causes, requires a re-examination. There might be people who will be inclined to ask why unsettle the thing that has been settled. If the thing had been settled on right lines, if the law of Makkathayam principle had been applied to the division of properties, the thing would have been settled even at the time the Regulation was in the process of enactment. Mr. Kumara Pillai, Mr. A. G. Menon, Mr. Kochu Kunju Pillai and Mr. M. N. Pillai, all these people moved amendments more or less on the lines of my present Bill. Their endeavours failed owing to the strength of over-powering reason at that time. But I believe it was merely the result of arithmetical division found in the lobbies and I may remind the House the feeling against partition at that time was also very very tense.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does this apply in the case of partitions already effected?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): That is only a clerical mistake. Instead of the 1st of Vrischikam "1100" we must put in 1106.

I do not want to interfere with partitions already effected. Neither do I want to interfere with civil suits pending in courts.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): what about suits already instituted?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): All that I say is, if a father has acquired property, after 1106 Makkathayam principle as embodied in Section 22 should apply for partition.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That is intended only to help people who are indifferent to get their partition.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): What would happen in the case of those vigilant to see properties partitioned?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): All right, let them take it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will there not be this inequity that persons who got partition before Vrischikam 1106 are at a greater advantage than those who were not fortunate enough to secure partition before that date?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): That cannot be. Crores of Nayars died before individual partition law was enacted.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, what I wish to ask is, whether the learned member's argument that persons whose properties were partitioned before 1088 were adversely affected by the Regulation of 1088 does not cut at the root of his present argument?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I do not understand the member.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will it not adversely affect certain persons who effected partition immediately before that date?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Please repeat it.

DEPUTY PRESIDENT: Please note 'nothing herein contained shall affect any partition effected before Vrischikam 1106.'

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): And properties that are the subject of civil suits.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there any provision for that?

DEPUTY PRESIDENT: He already said that it was a clerical mistake. The Section reads.

"Provided further if any such property has already been divided amongst the donees or divisees and of their *tavazhis* before the 1st of *Vrischikam 1100*, this provision of the Section shall not apply."

Mr. Madhavan Pillai said that it was a clerical mistake for 1106.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Then what is the object of clause (*b*) in Section 1. It reads:

"It shall come into force as if it has been enacted as a part of the Travancore Nayar Regulation II of 1100, that is to say, with effect from the 1st Chingom 1101."

DEPUTY PRESIDENT: It will come into force from the date o which it receives Royal sanction.

We want to have the position clear, Mr. Madhavan Pillai, your idea is, that with reference to Makkathayam acquisition obtained before 1088 if there had en no partition and if partition comes into existence

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[Deputy President.]

after 1st Vrischikam 1106, normally the right of division amongst children into equal shares, their descendants taking the share of their ancestors, that rule ought to be enforced. That is the underlying principle of your Bill ?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Yes, Sir. You have stated it very clearly than I could do it. Thank you, Sir.

DEPUTY PRESIDENT : Never mind. I was only anxious to understand what exactly your outlook was.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : In Section 1(*b*) it is given :

> " It shall come into force as if it had been enacted as a part of the Travancore Nayar Regulation II of 1100, that is to say, with effect from 1st Chingom 1101.";

DEPUTY PRESIDENT : It is a mistake. He has already admitted it. He conceded, you know, that he really intends to apply the cases where there had been no partition prior to Vrischikam 1106.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Then, either that clause ought to be deleted or changed.

DEPUTY PRESIDENT : You can point out that criticism in your speech

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : With regard to Section 2, properties have been gifted by a father or husband to their children. In many cases property might have been given to a single child with the object of giving that property to the other children who might have taken their birth along with the children who have been individually given that property. When the intention of the donor was to give property to all the children—

DEPUTY PRESIDENT : The Bill does not go against that.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : But Mr. Madhavan Pillai says that that the donee alone can get the property.

DEPUTY PRESIDENT : Donee means, not donee, in name in the document, but donee according to the intention of the donor.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : It is not clear from the provision here whether donee in name should get the whole of it or whether all the children who have taken birth from the same mother should enjoy the property as co-owners. That has not been specifically given.

DEPUTY PRESIDENT : What is the present law ?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : It is that all the children should enjoy as co-owners.

DEPUTY PRESIDENT : Does he propose any change in that ?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : No ; it is not clear, Section 41 (1) says :

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"Property acquired by gift from the father or husband whether before or after the passing of Regulation I of 1088 shall in the absence of written evidence to the contrary be treated as the property of donees or devisees."

There may be instances in which a single individual might have taken property. If this law is to come into force then other brothers or sisters may not be able to enjoy the property.

DEPUTY PRESIDENT: I do not follow you.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): In some cases the intention of the donor might be to give the property to all children. In many cases, he might have gifted the property in the name of a single individual. If this law is to be enforced by which a single individual in whose name property has been given might take the property, others may not have any right over that property.

DEPUTY PRESIDENT: So, your suggestion is that danger must be provided for?

MR. K. MADHAVAN PILLAI: (*Trivandrum* cum *Neduvangad*): We will do that in the Select Committee.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): But according to this Section the donee who has been given the property can appropriate it to himself excluding all others.

DEPUTY PRESIDENT: The donee means a person in whose name the deed stands.

MR. A. THANU PILLAI (*Trivandrum*): Does Mr. Kesava Pillai refer to cases where a gift deed is in the name of the eldest son or eldest daughter alone?

DEPUTY PRESIDENT: His question is whether this Bill takes away the right of all the others. I say it is a question of intention of the donor.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I think that ought to be made clear. According to Section 41, that has to be clearly put. If this amendment is to be passed into law, then that would unsettle a large number of decisions and recent enactments of the Nayar Regulation of 1100. According to that Regulation properties gifted before 1088 are to be included as sub-tarwads and a large number of families has divided those properties individually. If this Bill becomes Law it would entirely change the position; and divisions already effected would have to be re-done.

DEPUTY PRESIDENT: It has been distinctly provided in this Bill that divisions already effected would not in any be disturbed.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Hereafter at least, the method of division would have to be changed according to the provision in this Bill.

DEPUTY PRESIDENT: Mr. Madhavan Pillai's position is that, in regard to partitions to be effected hereafter, the property should be divided only among the children of the donor just like Makkathayam property, while the present law is that it must be divided among all the members of the sub-tarwad like Marumakkathayam property.

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MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): But the argument put forward by the mover of this Bill is that the intention of the donor was that the donees alone should enjoy the property. Whether that was the intention or not nobody can say now in cases where such intention has not been evidenced in writing. Therefore, we cannot exactly foresee now how this Bill would work when it becomes law.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I did not say that the intention of the donor was, as a matter of fact, that the children alone should enjoy the property. What I said was that, in a community which has accepted the Makkathayam principle of inheritance, the law must presume that the intention of the donor, in all cases where such intention has not been evidenced in writing, was that the property should be taken by the children alone. What should be the rule of law for the division of property obtained by gift and bequest, hereafter, in the Nayar community which has accepted the principle of Makkathayam. That is the point that I have enunciated in this Bill.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): What the mover said, as I understood him, was that the intention of the donors was that the children alone should take the property bequeathed.

DEPUTY PRESIDENT: As to what exactly the intention of the donors was is a question of fact to be determined in each case.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): How is that to be determined? There seems to be difference of opinion as to what that intention should be taken to be. Some say that it should be taken to be in favour of the children alone while others say that it should be taken to be in favour of the sub-tarwad.

DEPUTY PRESIDENT: The court will decide that question of fact whenever a dispute arises.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I think it is a matter which the donor himself must decide.

DEPUTY PRESIDENT: In those cases where the donor has decided and stated clearly as to who should take the property, there will be no dispute at all. The intention of the donor *will* be followed. That is the law; and the present Bill is not going to affect it. But, where such intention of the donor has not been evidenced by the donor himself, if disputes arise as to such intention, the courts will go into the question and decide that question of fact. What this Bill seeks to provide is as to what should be the presumption of law.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I think it would be better for us to be governed by the principles laid down in the decisions of the High Court. When there are the rulings of the High Court and when there is the present Nayar Regulation which was enacted only very recently, I do not think it advisable for us to unsettle the position and to change the law now in force. I think such a change of the law now governing the community would do great harm to the community.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Suppose property was given by a father to his children on the 1st of Chingam 1090. May I know what, according to the member, should be taken to be the intention of the father in such a case?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): In that case the father would have been aware of the Nayar Regulation of 1088, and our presumption as to his intention should depend upon the provision in the Nayar Regulation of 1088.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member specifically say that in that case the intention of the father was that the children alone should take the property and not the sub-tarwad?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I am not able to gather exactly what the intention of the father was.

MR. R. RAMAN PILLAI (*Kottayam*): ഈ ബില്ലിന്റെ മൂലതത്വത്തെ എതിർക്കാതിരിക്കുവാൻ നിവൃത്തിയില്ലാതെ വന്നതിൽ ഞാൻ അത്യന്തം വ്യസനിക്കുന്നു. എന്നാൽ ബിൽ പ്രയോക്താവിനോടുള്ള ബഹുമാനം വിചാരിച്ചാൽരെക്ഷരവും എതിർ പുറപ്പെടുവിക്കാതെ സമ്മതിക്കേണ്ടതുമാണ്. ക്ര ഠ വ വ-ലെ റഗ്യുലേഷൻ ഉണ്ടാകുന്നതിനുമുമ്പു മരുമക്കത്തായസ്വത്തെ മക്കത്തായസ്വത്തെ ഭാഗിച്ചുകൊടുക്കണമെന്നു് ഒരുമനുഷ്യനും വിചാരമുണ്ടായിരുന്നില്ല. ക്ര ഠ വ ൭ കക്കടകം മു ക്ര-ാംനു-വരെ, തന്റെ ഭാര്യയ്ക്കോ മക്കൾക്കൊ കൊടുത്തിട്ടുള്ള സ്വത്തു ഭാഗിച്ചു കൊടുക്കണമെന്നു് ആർക്കും ഉദ്ദേശമുണ്ടായിരുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ക്ര ഠ ൻ ഠ -ാമാണ്ടു് അങ്ങിനെ വിചാരമുണ്ടായിരുന്നുവൊ?

MR. R. RAMAN PILLAI (*Kottayam*): അതു പിന്നീടുപറയാം.

വ ൭ കക്കടകം മു ക്ര-ാംനു- വരെ അങ്ങിനെ ഉണ്ടായിരുന്നില്ല. ഉണ്ടെങ്കിൽ അതു ദാതാവിന്റെ ഉദ്ദേശം അനുസരിച്ചിരിക്കും. ക്ര ഠ വ വ-നു മുമ്പു സകല കരണങ്ങളിലും ഇന്നപ്രകാരത്തിൽ ഇരിക്കണമെന്നു വിവരിച്ചിട്ടില്ലെങ്കിൽ അവയിൽപെട്ടസ്വത്തു സമ്പ്രദായസ്വത്തായിരിക്കണമെന്നു് നിശ്ചയമുണ്ടു്. ഒരുത്തൻ അനുഭവിച്ചുവരുന്ന പ്രത്യേക കുടുംബസ്വത്തു ഹൈക്കോടതിയിലെ ചില വിധികൾകൊണ്ടു സമ്പ്രദായസ്വത്തുപോലെ ആകുന്നുണ്ടു്. ഇങ്ങിനെ മരുമക്കത്തായസ്വത്തുപോലെഅനുഭവിച്ചുവരുന്നതു വെസ്റ്റഡ ഇൻറെറായിത്തീർന്നിരിക്കുന്നു. അതുകൊണ്ടാണു് ക്ര ഠ വ വ-ലെ നായർ റഗ്യുലേഷനു മുമ്പുള്ള സ്വത്തുക്കളെസംബന്ധിച്ചു മരുമക്കത്തായസ്വത്തുപോലെ തന്നെ ഗണിക്കണമെന്നു പറഞ്ഞിരിക്കുന്നതു്. അതിനുശേഷമുള്ള സ്വത്തിൽ ഭാര്യക്കും മക്കൾക്കും

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[Mr. R. Raman Pillai.]

അവകാശമുണ്ടെന്നു വിധി ഉണ്ടായിട്ടുള്ളതായി പറഞ്ഞിരിക്കുന്നു. ജഡ്ജിമാരും മനുഷ്യരായതിനാൽ അവക്കും തെറ്റിപ്പോയി എന്നുവരാം. ലാ റിപ്പോർട്ട് @ ൨-ലെ വിധി പൂർവവിധികളെ അനുസരിച്ചു വിധിച്ചിട്ടുള്ളതാണു. അങ്ങിനെ ഇരിക്കെ ൧൯൦൦-ലെ രണ്ടാംറഗുലേഷൻ അതിനെ വ്യവസ്ഥപ്പെടുത്തി നിയമമാക്കി. ഈ ബില്ലിൽ ൧൯൦൦ വൃശ്ചികം ൧-നു-മുതൽ ഇഫക്ടിൽവരും എന്നു് എഴുതിയിരിക്കുന്നു. അതു clerical mistake ആണെന്നാണു പറയുന്നതു്. എന്നാൽ മറ്റുള്ള ഭാഗങ്ങളെ നോക്കുമ്പോൾ അങ്ങനെ തെറ്റിപ്പോയിട്ടുള്ളതല്ലെന്നു കാണുന്നു.

DEPUTY PRESIDENT: After his assurance, Mr. Raman Pillai, that it is a clerical error, why do you go into the merits of that question.

" (b) It shall come into force as if it had been enacted as a part of the Travancore Nayar Regulation, II of 1100, that is to say, with effect from 1st Chingam 1101.

MR. R. RAMAN PILLAI (*Kottayam*): അതു് ൧൯൦൦-നു ശേഷമാണു് എന്നു സമ്മതിച്ചിരുന്നു എങ്കിൽ മുമ്പിലുണ്ടായിരുന്ന അഭിപ്രായത്തിനു വിരോധമില്ലായിരുന്നു.

ജനങ്ങളുടെ സുസ്ഥാപിതമായ അവകാശത്തെ തടസ്സപ്പെടുത്തുന്നവിധത്തിൽ ഒരു നിയമം ആവിർഭവിക്കുന്നു എങ്കിൽ അതു് ഒരു നിയമം ആയിരിക്കുകയില്ല. സമുദായത്തിലുള്ള ഓരോ അംഗങ്ങളുടേയും ഇടയ്ക്കു നാളതുവരെ വിശ്വസിച്ചുവരുന്നതും അനുഭവത്തിൽ ഇരിക്കുന്നതുമായ വെസ്റ്റഡ് റൈറിനെ ബാധിക്കുന്നതുമായ ഒരു നിയമം ഉണ്ടാക്കണമെങ്കിൽ ജനസമുദായത്തിന്റെ പൂർണ്ണമായഅഭിപ്രായം എന്താണെന്നു് അറിഞ്ഞതിനുശേഷം മാത്രമെ പാടുള്ളു. ഈ ബിൽ പ്രയോഗത്തിലാവും തിരുവനന്തപുരത്തുള്ള വേറെ ഒരംഗവും ഈ ബില്ലിനു് അനുകൂലമായി പറയുമെന്നല്ലാതെ നൂറിനു തൊണ്ണൂറിൽ അധികംപേരും പ്രതികൂലികളാണെന്നു് ഈ കഴിഞ്ഞ രണ്ടുദിവസത്തിനകം എന്നോടുപറഞ്ഞിട്ടുണ്ടു്. അതുകൊണ്ടു തിരുവിതാംകൂറിലെ ആകപ്പാടേയുള്ള ജനങ്ങളുടെ അഭിപ്രായഗതി ഈ സംഗതിയിൽ ഏതുവിധമെന്നു് അറിയേണ്ടതാണു്. മാതാവിന്റെ അഭിപ്രായം അനുസരിച്ചുവേണം പ്രവർത്തിക്കുവാൻ. പിതാവൊ മാതാവൊ ആരെങ്കിലും ഒരാൾ ജീവിച്ചിരിക്കെ ഇപ്രകാരം ചെയ്കയാണെങ്കിൽ ൧൯൦൫-നു മുമ്പു് അതു സാധുവായിരുന്നു. അതുകൊണ്ടു പിതാവൊ മാതാവൊ ഒരാൾ മക്കൾക്കു കൊടു

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ക്കാമെന്ന സമ്മതിക്കുകയാണെങ്കിൽ സാധുവാണെന്ന പറയാം. ടെണ്ടൻ വിട്ടതായ സ്ഥലങ്ങളിലുള്ള മരുമക്കത്തായ കുടുംബങ്ങളിൽ തക്ക വിദ്യാഭ്യാസവും ധനസ്ഥിതിയും ഉള്ള ഭർത്താക്കന്മാരെ നോക്കിയല്ല എടുക്കുന്നത്. കുടുംബത്തിന്റെ കുലമഹിമവിടാതെ തിരഞ്ഞെടുക്കുന്നു. തന്നോളം കുലമഹിമ വേറെ ആകും ഇല്ലെന്നാണു വിചാരം. ധനസ്ഥിതിയും വിദ്യാഭ്യാസവും അശേഷം ഇല്ലാത്ത ധാരാളം ആളുകളെ ഓരോ കുടുംബത്തിലും ഭർത്താക്കന്മാരായി എടുത്തിട്ടുണ്ട്. ഇവക്ക് ഭർത്താക്കന്മാരുടെ കുടുംബത്തിൽനിന്നും യാതൊന്നും കിട്ടാനില്ല. ഇവിടെ ധാരാളം സ്വത്തുണ്ട്. ഈ സ്വത്തു പ്രത്യേകം ആളുവീതം ഭാഗമായപ്പോയതിനാൽ മിക്കവാറും അനാഥകളായി തീർന്നിരിക്കുന്ന നായർസ്ത്രീകളെ ഒന്നുകൂടി അനാഥകൾ ആക്കണമെന്ന് എന്റെ സ്നേഹിതന്മാർ വിചാരിക്കുന്നു എങ്കിൽ അതിൽപരമായ ഒരു ദ്രോഹം തിരുവിതാംകൂറിനു വേറെ വരാനില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): അതു് എങ്ങനേയെന്നു മനസ്സിലാകുന്നില്ല.

MR. R. RAMAN PILLAI (*Kottayam*): ടെണ്ടിനുവെളിയിലുള്ള ഉൾനാടുകളിൽ വിദ്യാഭ്യാസവും ധനസ്ഥിതിയും നോക്കിയല്ല തങ്ങളുടെകൂടുംബത്തിലെ സ്ത്രീകൾക്കു് ഭർത്താക്കന്മാരെ എടുത്തുവരുന്നതു്. ജാതി, കുലമഹിമ, ബന്ധുത്വം, ഇണങ്ങന്മാർ എന്നിങ്ങനെയുള്ള സ്ഥാനമാനങ്ങളും മുൻ പതിവുകളും നോക്കി മാത്രമാണു് ഭർത്താക്കന്മാരെ സ്വീകരിക്കുന്നതു്. അങ്ങിനെയുള്ള ഭർത്താവിൽനിന്നും ഒരു സഹോദരിക്കു് യാതൊരുസഹായവും കിട്ടാൻ മാർഗ്ഗമില്ല.

പുരുഷന്മാരെപ്പറ്റി പറയുകയാണെങ്കിൽ അവരുടെ സ്വത്തു് വീതിച്ചുകിട്ടുമ്പോൾ ഉന്നതമായ കുടുംബങ്ങളിൽപോയി വിവാഹംചെയ്യുന്നു. ഇവിടെയുള്ള സ്വത്തു കൊണ്ടുപോയി അയാൾ ഉന്നതസ്ഥിതിയിൽ ആയിത്തീരുന്നു. തന്റെ കുടുംബത്തിലുള്ള സഹോദരിക്കു് സ്വത്തു് ഇല്ലാതിരുന്നാൽ സഹോദരി യുംകുട്ടികളും അനാഥസ്ഥിതിയിലാകും. നായർറഗുലേഷൻ വന്നതിനുശേഷം ഉൾനാടുകളിലെ സ്ഥിതിനോക്കിയതിൽ എന്റെ അനുഭവം ഇങ്ങിനെയാണു് കാണുന്നതു്. അതിനാൽ നായർറഗുലേഷൻനിമിത്തം ഇപ്പോൾത്തന്നെ വലഞ്ഞിരിക്കുന്ന സഹോദരികൾ ഒന്നുകൂടി അപകടത്തിൽ ആകുന്നതിനു് ധാരാളം വഴിയുണ്ടു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): അതു് എങ്ങിനെ എന്നു് അറിയുന്നില്ല.

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MR. R. RAMAN PILLAI (*Kottayam*): ഇവക്ക് കിട്ടാനുള്ളവസ്തുവിനെ അന്യന് കൊടുക്കുന്നം. സ്ത്രീക്ക് ഒന്നും കിട്ടുന്നില്ല. ഒട്ടുവളരെ കുടുംബങ്ങളിൽ പുരുഷന്മാർ ഉന്നതസ്ഥാനങ്ങളിലും ആ പുരുഷന്റെ കുടുംബത്തിലെ സ്ത്രീകൾ വളരെ താഴ്ന്ന സ്ഥാനത്തിലും ആയിട്ടുണ്ട്. സ്ത്രീകൾക്ക് കിട്ടാൻ ഒന്നുമില്ലെന്ന് മാത്രമല്ല, ഉള്ളതു് പോകുകയും ചെയ്യുന്നു. അതിനാൽ ദാതാവിന്റെ ഉദ്ദേശം അനുസരിച്ച് പ്രവർത്തിക്കണമെന്നുള്ളതിനെ ഭേദപ്പെടുത്താൻപാടില്ല. ഫ ഫ ഠ ഠ വ്യവസ്ഥയിൽ ഇതുംകൂടി പാസായതായി ഗണിക്കണമെന്ന് പറയുന്നു. അങ്ങിനെ പാസാക്കണമെങ്കിൽ സഭായത്തിലുള്ള എല്ലാ അംഗങ്ങളുടേയും ഇതിനെപ്പറ്റിയുള്ള അഭിപ്രായം അറിയണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): അതു് ഫ ഫ ഠ ന്ന-ൽ ആണെന്നു പറഞ്ഞുവെല്ലൊ.

MR. R. RAMAN PILLAI (*Kottayam*): അതു് പറഞ്ഞു എങ്കിലും ബീയും സീ-യും സംബന്ധിച്ച് ഒന്നും പറഞ്ഞിട്ടില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*: അതു് ആദ്യത്തേതിൽകൂടി ചേർന്നുപോകും.

MR. R. RAMAN PILLAI (*Kottayam*): മാതാവൊ പിതാവൊ ഒരാൾ ജീവിച്ചിരിക്കുകയും ആരുടെഎങ്കിലും സമ്മതത്തോടുകൂടി ഈ സ്വത്തു് മക്കൾക്കുതന്നെ വീതിച്ചുകൊടുക്കുകയും ചെയ്താൽ തരക്കേടില്ല. അങ്ങിനെ ഒരാളുടെ എങ്കിലും സമ്മതംഇല്ലാത്തപക്ഷം പാടില്ല.

MR. A. THANU PILLAI (*Trivandrum*): മാതാവൊ പിതാവൊ ഭാഗിക്കുന്നകാലത്തു് ജീവിച്ചിരിക്കണമെന്നാണൊ പറയുന്നതു്?

MR. R. RAMAN PILLAI (*Kottayam*): ജീവിച്ചിരുന്നാൽമാത്രംപോരാ, അവരുടെ ഉദ്ദേശവുംകൂടി അറിയണം. ഇന്ന ഉദ്ദേശത്തോടുകൂടിയാണു് കൊടുത്തതു് എന്നു് ഭർത്താവു് അതിനെപ്പറ്റി ഒരു രേഖ ജനിപ്പിച്ചിരിക്കണം. അങ്ങിനെ ഉണ്ടായിരുന്നാൽ ഭാഗിക്കുന്നതിനു തരക്കേടില്ല.

MR. A. THANU PILLAI (*Trivandrum*): അക്കാലത്തു് പറയുന്ന ഉദ്ദേശം ഏതു്, ഇപ്പോൾപറയുന്ന ഉദ്ദേശം ഏതു് എന്നു് എങ്ങിനെ അറിയാം?

MR. R. RAMAN PILLAI (*Kottayam*): അതുകൊണ്ടാണു് രേഖപ്പെടുത്തണമെന്നു് പറഞ്ഞതു്.

MR. A. THANU PILLAI (*Trivandrum*): കുടുംബസ്ഥിതിയുടെ മാറ്റംകൊണ്ടു്, പിന്നീടു ഉദ്ദേശത്തിനു വ്യത്യാസം ഉണ്ടായാലൊ?

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MR. R. RAMAN PILLAI (*Kottayam*) : മാതാവും പിതാവും ഒന്നുപോലെഅവരുടെ കുട്ടികളെസംബന്ധിച്ച് വിപരീതമായിവിചാരിക്കുകയില്ല.

DEPUTY PRESIDENT : ചത്തുപോയ മകനെയൊ മകളെയൊ സംബന്ധിച്ച് എങ്ങിനെയാണ് തീരുമാനിക്കുന്നത്?

MR. R. RAMAN PILLAI (*Kottayam*): ജീവിച്ചിരിക്കുന്ന മകന് കിട്ടുമെങ്കിൽ ചത്തുപോയമകനും കിട്ടും.

DEPUTY PRESIDENT : പെൺമക്കളേയും അവരുടെ മക്കളേയുംസംബന്ധിച്ചും ഇങ്ങിനെ കിട്ടുമോ?

MR. R. RAMAN PILLAI (*Kottayam*) : അതു് മുമ്പും കിട്ടുമെന്നുള്ളതാണ്.

DEPUTY PRESIDENT : ഈ റഗുലേഷൻ അനുസരിച്ച് നടക്കാൻപോകുന്നു എന്നു വച്ചാൽ I suppose children of deceased sons *do* succeed to the estate of the father under the existing law. You must remember that also.

MR. R. RAMAN PILLAI (*Kottayam*) : നിയമപ്രകാരവും അതുണ്ടെല്ലൊ ഫ ഠ വ വ-ന് അപ്പുറം അങ്ങിനെ ഇല്ല. മരുമക്കത്തായസ്വത്തുപോലെ വിചാരിച്ച് ഭാഗിക്കണം. അന്ന് സമ്മതറവാടെ ഉള്ളു. മാതാവിന്റെ ഉദ്ദേശം അനുസരിച്ച് നടക്കും അല്ലെങ്കിൽ അവരുടെ ഉദ്ദേശം പറയും.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): മരുമക്കത്തായം വരുന്നതിനുമുമ്പ് ആരുക്കെങ്കിലും ഭാഗിക്കണമെന്നുള്ള ഉദ്ദേശം ഉണ്ടായിരുന്നോ?

MR. R. RAMAN PILLAI (*Kottayam*) : അന്നും യോജിച്ച് ഭാഗിക്കാമെന്നുണ്ട്. സ്വത്തു് കൊടുത്തയാളിന്റെ ഉദ്ദേശം എന്താണെന്ന് അറിയണം. പിതാവൊ മാതാവോ ഒരാൾ ജീവിച്ചിരിക്കുകയും വേണം. ഈ വിധത്തിൽ ഒരാൾ സമ്മതിക്കുന്നപക്ഷം കൊടുക്കാം.

ഫ ഠ വ വ-ന് മുമ്പ് എങ്ങിനെ ഭാഗിച്ചു ഫ ഠ വ വ-ന് ശേഷം എങ്ങിനെ ഇതൊക്കെ ഇപ്പോൾ ശരിയായി പറയാൻ നിവർത്തിയില്ല. മരുമക്കത്തായത്തിന്റെ ചരിത്രമൊ അതിന്റെ വംശാവലിയൊ ഓരോ ശാഖയിലും ഉള്ള അംഗങ്ങൾ എത്ര എന്നൊ ഒന്നുംതന്നെ ഇന്ന് ആർക്കും അറിയാൻപാടില്ല. സുസ്ഥിരമായ ഒരു നിയമത്തെ ഭേദപ്പെടുത്തി വേറെ ഒരു നിയമം ഉണ്ടാക്കാൻ പാടില്ല. അങ്ങിനെ ഉണ്ടാക്കുന്നു എങ്കിൽ ജനസാമാന്യത്തിന്റെ പൊതുവേയുള്ള അഭിപ്രായം എന്താണെന്ന അറിയണം. ഇത്രയും പറഞ്ഞുകൊണ്ട് ഈ ബില്ലിന്റെ മൂലതത്വത്തെ എതിർക്കുന്നു.

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MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Sir, I would also oppose the principle of the Bill. Mr. Madhavan Pillai says that his object is that Makkathayam property acquired before Regulation I of 1088 should devolve on the children alone unless a contrary intention is expressed in the instrument of gift. I submit, the law prevailing in the community was Marumakkathayam. Therefore, properties given by the father to his children or by the husband to his wife should take all the incidence of Marumakkathayam property. The instinct of the community has been Marumakkathayam, and therefore the presumption in the case of gifts made in those days ought to be that the incidence of Marumakkathayam law must apply. Certainly, if a contrary intention is expressed in the deed of gift and if it is specifically stated there that the children of the donor should take the property absolutely, there is no objection in the property being divided among the children alone. In the absence of such clear expression of the intention of the donor, the law ought to presume that the property should devolve on the sub-tarwad. I submit that, if the present Bill becomes law, it would work great hardship to the members of the community. It seems to me a very dangerous piece of legislation, because, if this becomes law, courts would be flooded with cases about the origin of properties disposed of by gifts and bequests. Each person will try to trace the origin of each of one of these Makkathayam properties and try to establish that the intention of the donor was in his own favour. These properties have always taken the incidence of Marumakkathyam properties, and have in many cases actually been divided as such. I will take an illustration. Suppose property has been given before 1088 by a father to his five children, three of whom are males and the other two females; and the females die. The property is now being enjoyed in common by the children of the daughters. If this Bill becomes Law, the children of the sons would now set up a claim for the property now in the exclusive and absolute possession and enjoyment of the daughters' children. We are not here, Sir, to legislate for individual families. As a matter of fact, most of the Nayar families in Travancore have already effected partition. This Bill only induces the rest to rush into courts for partition before this Bill becomes Law. When this Bill becomes Law there would only be a few specific instances in which partition has not been effected. Perhaps this Bill may help a few individuals or individual families. I may gain something if this Bill becomes law, or Mr. Madhavan Pillai may gain something, or some other X or Y may be benefited by this piece of legislation. This Council is not intended for the sake of a few individuals or families. What we have to consider is how it would affect the community as a whole.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If my friend has no objection to daughters' children putting forth a claim for the property of the grandfather, may I know what objection he has in the sons' children putting forth a claim for such property?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): In its awakening, the community has realised that Marumakkathayam law is unnatural; the

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members of the community felt insulted and ashamed that they were governed by such an unnatural system of law.

MR. MATTHEW MURIKKAN (*Vaikam*): Then, may I know why the member now objects to such a law being made completely Makkatayam?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): But we cannot give retrospective effect to any piece of legislation. The divesting of vested interests should never be allowed by any legislature. That is why I oppose this Bill. This Bill will give a very dangerous weapon to every litigiously minded fellow in the community to try to trace the history and origin of every property now enjoyed in common by Nayar sub-tarwads according to the incidence of Marumakkathayam law.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If this Bill becomes law from the 1st of Chingom 1107, may I know from my friend how the question of divesting of vested rights comes in?

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Under the law as it is at present, the people have certain vested rights. This Bill seeks to divest them of those rights.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): How are such vested rights divested by this Bill becoming law in 1107? That is what I want to know.

DEPUTY PRESIDENT: As he explained, Mr. K. P. Nilakanta Pillai, take the case of a family where partition has not been effected. The property is in the possession and enjoyment of the daughters' children. In such a case, if this Bill becomes law in 1107 or even later, the daughters' children would be divested of their rights which they are actually enjoying.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): Further, in the course of the next few years, even the few families that continue joint now, would effect a partition; and then, there would be absolutely no use or necessity for an enactment of this nature. The very fact that the mover himself now says that he wants this to become law only from 1106 clearly shows that he himself realises the unfairness of the proposal. That is why he wants to postpone the date of its enactment as much as possible. As my friend Mr. Raman Pillai pointed out, the mover, in Clause I (*b*) of the Bill, wants to tack it on to Regulation II of 1100. He wants it to take effect from Vrischigom 1101. I therefore submit that the only effect of this Bill would be to unsettle the settled law now prevailing in the community.

My friend, the mover, in his Statement of Objects and Reasons, says that it is unnatural to presume that the donor would have intended that his property should devolve on the sub-tarwad instead of on his own children. But the whole system of law that we have been used to hitherto was unnatural. It was only recently, when the community awakened, that it felt that the law was unnatural and should be changed immediately. The necessity for changing the law was keenly felt; and it has been changed in a particular way. The community is under the

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[Mr. G. P. Nilakanta Pillai.]

impression that there would not be any further change in its law. Under such circumstances, I submit, this Bill is sure to cause serious heart-burning to a large section of the community. Several peaceful Nayars, who now enjoy properties which are theirs under the present law, would feel seriously aggrieved if this Bill is passed into law. Further, as I have already pointed out, there are but a few families in the Nayar community who continue joint; and, a few individual cases should not form the subject of legislation by this Council. I therefore strongly oppose this measure.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I wish to speak a few words on this Bill. I must first of all say that I leave it entirely to the non-official side of the House to support or oppose the principle of it.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the Official Members are to vote as they like on the motion now under discussion?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different matter.

MR. A. THANU PILLAI (*Trivandrum*): Yes; but I wish to know what they are going to do?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The member will know that in due course.

Now, I wish to make a few observations merely to explain the real implications of the Bill. I ventured to speak on it so early because I heard suggestions made here that the Bill would have the effect of divesting vested interests. I did not understand the Bill like that. The Bill provides that, if a property was given or bequeathed before the passing of the Nayar Regulation of 1088, it should be divided among the children where there is no express declaration of the intention of the donor to the contrary, namely where the donor has not expressed his intention in writing that the properties should devolve on the children and their thavazhee.

Now, under Section 41 of the existing Nayar Regulation, property given or bequeathed could be taken by the children alone only when there is an express declaration of the intention of the donor to that effect. In the absence of such expression of the donor's intention, the property devolves on the children and their thavazhee.

DEPUTY PRESIDENT: With reference to property acquired prior to 1088, the existing Nayar Regulation makes a clear distinction.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; what I am trying to show is that the real question in this Bill would resolve into one of mere evidence and hardly one of substance.

The existing Nayar Regulation provides that property given or bequeathed before the Nayar Regulation of 1088 may be divided among the children alone only where there is the express declaration of the

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intention of the donor to that effect; and, in the absence of such express declaration of the donor's intention the property should be divided among the sub-tarwad of the children.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): The present Bill merely provides that in the absence of any express declaration of the intention of the donor the property must be divided among the children alone and that, if the sub-tarwad should take it there must be the express declaration of the donor's intention to that effect.

MR. A. THANU PILLAI (*Trivandrum*): The question is about the burden of letting in evidence of the donor's intention.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): You may put it like that. What I want to point out is that it is not a cataclysmal or outrageous change that is now sought to be made by the present Bill. It is merely a question of evidence or procedure. According to the present Nayar Regulation, the burden of proving that the intention of the donor was in their favour is on the children. Mr. Madhavan Pillai now proposes in his Bill to shift the burden on to the sub-tarwad. That is all that is proposed to be done. It is that, that the House has to consider when it proceeds to vote upon the Bill.

DEPUTY PRESIDENT: If it is claimed that a particular property was intended by the donor exclusively for the children and grandchildren, then it is for them to prove that that was the intention of the donor.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is the law under the Nayar Regulation now in force.

DEPUTY PRESIDENT: That is the law so far as acquisitions made after 1088 are concerned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are not now concerned with acquisitions made *after* 1088. We are concerned with acquisitions made *before* 1088.

As I have already explained, under the Nayar Regulation now in force, the burden of proving the donor's intention is on the children if they claim the property exclusively for themselves in case of property given or bequeathed before 1088. But, Mr. Madhavan Pillai, in the present Bill, provides that the burden of proving the donor's intention, if it is claimed to be in favour of the sub-tarwad should be on the sub-tarwad. The only question now to be considered by the House is whether any case could be made out, or has been made out by the mover of the Bill, for the proposed change in the burden of proof. I am not going to deal with that question now. I only want to point out that that would appear to be the real implication in the Bill. Except the shifting of the burden of proof, which is purely a matter of evidence, there is absolutely no attempt at divesting vested rights or any other serious implication in the Bill.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In the absence of evidence, does not this Bill divest vested rights?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. To assume so is to beg the question.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The question of burden of proof arises only when any evidence is available. In the absence of any evidence, the Law Member has to remember, that the Bill certainly divests vested rights.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In the absence of evidence, according to the present Bill, the Court will presume, that the property was intended by the donor exclusively for the children. If the sub-tarwad claims the property, it will have to prove, under this Bill that that was the intention of the donor. Under the present Nayar Regulation the presumption of law, in the absence of any evidence, is that the property was intended by the donor for the sub-tarwad; so that, if the children want it exclusively for themselves, they have to prove that that was the intention of the donor. I do not think it has made any fundamental change in the rights. The right is there. If you can establish it, it is alright.

DEPUTY PRESIDENT: In the absence of evidence is there any right?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Under the existing law the children and the grand children will get it.

DEPUTY PRESIDENT: Do you think it is not a specific change?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be a specific change. But what is the real effect of it in law?

DEPUTY PRESIDENT: Then there is the question of burden of proof.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It only stands so. If there is an intention that intention must be carried out. This Bill does not propose that the intention should not be carried out. Under the existing law also the intention is proposed to be carried out. Under Mr. Madhavan Pillai's Bill also, it is proposed to be carried out.

DEPUTY PRESIDENT: There is a difference between the two as North Pole to South Pole.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be, or it may be but the difference between light and the absence of darkness. I only want to point out that it is not proposed by this Bill to take away vested rights. At any rate it does not purport to The House should consider this aspect of the Bill. I do not say that the Bill does not make any change. It makes *some* change. What I wish to show is the real implications.

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The result may or may not be considered to be drastic. The House has of course to consider it and give a judgment. But let it be done on real and not supposed grounds. It is for this reason that I wanted to speak now. I do not say that Mr. Madhavan Pillai's Bill must necessarily be accepted. The House must consider it in all its aspects. Whether the community will be benefited by the change of procedure is one point. Whether it will cause hardships to the community or unsettle the law that has already been settled is also a point. In view of all these and in view of the real implications of the Bill the House has to discuss the provisions and say whether the Bill can be accepted or not.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Will there be any change in the rule of procedure if it is accepted ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, there will be.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member what the presumption would be but for the Regulation I of 1088 ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is a matter of law. If you ask my opinion, Sir, I will say that the father's intention was that the children and the grand-children should enjoy it as a *corporate* property.

DEPUTY PRESIDENT: That is the view of the High Court of Madras, Cochin and Travancore.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to property acquired even after the passing of the Regulation I of 1088, that should be the intention. That is why I put a question sometime ago. When a person acquires property after 1088 does he think of the law ?

DEPUTY PRESIDENT: There may be some fiction.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, legal fictions. If we go by fictions I do not know where we should stop. Simply because the Nayar Regulation was passed does it affect the intentions of the ordinary human mind ?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Will it affect the law in force ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not until the law has permiated in the community. Intentions and sentiments cannot be changed by the law.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): Will not the intentions be guided by the law ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not perhaps until the law is permiated in the community. We are not merely to go by the decisions of the High Court. In passing a social legislation we have to go with the opinions of the community, and not make a law merely to conform it to the views of the High Court. We pass a law to meet the growing consciousness of the community. If the House thinks that this Bill is for the good of the

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[Mr. Kayalam Paramesvaran Pillai.]

community by all means let it pass. I do not say that the House should accept it. I do not want to say the Bill is quite colourless.

MR. A. THANU PILLAI (*Trivandrum*): We wish to hear the views of the Law Member on that point.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not propose to go into that.

MR. A. THANU PILLAI (*Trivandrum*): We wish to have his views as the Law Member of the Council.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That I said.

DEPUTY PRESIDENT: You can make your appeal. If he accepts it, alright.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I thought it my duty as the Law Member of this House in a matter like this which affects the community directly, and in which the Government are not very directly concerned at any rate at this stage, to say what the Bill really proposes to do and what its implications are.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I rise to oppose the principle of the Bill that has been introduced by my learned friend Mr. Madhavan Pillai. I would not have stood up to support my position by a speech but for the fact that the speech of the learned Law Member has induced me to think that there are certain aspects of this Bill which are likely to be misunderstood. The learned Law Member has been saying that this Bill intends only to alter the procedure, because it is only a question of presumption and burden of proof. Sir, where the intention of the donor is evident from the gift-deed there could be no difficulty as regards that matter. But we find in more than 90 per cent. of the cases that it is not clear from the document whether the donor intended to benefit the sub-tarwad or his children—by children I mean children of the first order. I must say that in such cases this Bill alters the substantive rights of the persons concerned. Because when the intention is not defined Dr. Madhavan Pillai wants the properties of the donor to be divided amongst his sons and daughters alone, while the Regulation, of 1100 clearly says that it is to be considered as sub-tarwad property and that individual partition is to be effected in regard to that property. And so where there is no evidence it is a question of divesting of vested rights.

Then another point which I wish to emphasise is with regard to the date from which the Regulation comes into force. I accept the statement of Dr. Madhavan Pillai that 1100 is a mistake for 1106. Even taking it for granted that it is only to come into force from the 1st Vrischikam 1106, I wish to know how this date was arbitrarily fixed. Now if the persons who are to be adversly divested of their rights by this Bill were to know that Dr. Madhavan Pillai is going to

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get a Bill passed by this Council, they would have rushed into courts and sought their remedy. This measure is thrown in the midst of persons who never thought of dividing themselves and who are so attached by affection as well as community of interests. What I wish to add is that if anybody had the chance of dreaming of such a Bill he would have tried to effect partition immediately or they would have sued for the same. Even with regard to that whether suit alone would constitute partition we have not heard the final word.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I suppose we will hear it to-day ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): But that is another Bill. We have not heard of it as yet. So, what I say is that if the present ruling of the High Court is to be unsettled and if my Bill does not become law the thing will be difficult. Persons who have instituted suits for partition and who have not yet obtained final decree are to be affected by this Bill. Is it right and just ? What is the ground for this Bill ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know how the law is decided according to his Bill ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I am not talking of my Bill. What I say is that a ruling of the Full Bench of the High Court has been questioned by a single Bench and it is referred to a Fuller Bench. If the Fuller Bench reverses the decision of the Division Bench, * * *

DEPUTY PRESIDENT : So, your arguments are based upon that case.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : No, it is now before a Fuller Bench of five Judges.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : മി. മാധവൻപിള്ളയുടെ ബില്ലിൽ പറഞ്ഞിരിക്കുന്ന സംഗതി ഫുൾബെഞ്ചിൽ ആലോചനക്ക് എടുത്തിരിക്കുന്ന എന്നാണൊ മെമ്പർ പറയുന്നത്?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : അതിനെസംബന്ധിച്ച ഒരു സംഗതി ഈ ബില്ലിൽ ഉണ്ട്. അതു ഫുൾ ബെഞ്ചിൽ ആലോചനയ്ക്കെടുത്തിരിക്കുന്നു. ഈ ബില്ല് അനുസരിച്ച ഇതിൽ ഇരിക്കുന്നതു് ന്യായമാണ്.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*) : ഒറ്റ മറുപടിയായി കിട്ടിയാൽകൊള്ളാം?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : ഒറ്റ മറുപടികിട്ടത്തക്കവിധത്തിൽ ചോദിക്കണം.

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MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): മിസ്റ്റർ മാധവൻപിള്ളയുടെ ബില്ലിൽ പറഞ്ഞിരിക്കുന്നസംഗതി ഫർംബെഞ്ചിൽ ആലോചിക്കാൻ വച്ചിരിക്കുന്ന എന്നാണൊ പറയുന്നത്?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഇംഗ്ലീഷിൽ പറഞ്ഞതു് മുഴുവൻ ഇനി മലയാളത്തിൽ പറയാൻ കഴിയുകയില്ല. ഇംഗ്ലീഷിൽ പറഞ്ഞതിൽ മുഴുവൻ കാരണങ്ങളും പറഞ്ഞിട്ടുണ്ടു്.

What I wish to remind this House is that even 1st Vrischikam 1106 is an arbitrary date, and that even if this Council considers that the principle of the Bill is to be accepted it should come into force from the date on which it is passed into law.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The Full Bench decided a case in a particular way. Now my friend says that it is to be decided by a Fuller Bench.

DEPUTY PRESIDENT: What he said was that the matter has not been decided finally. Don't you compare the distinction between the Full Bench and the Fuller Bench, because the law does not recognise a Fuller Bench.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): So, what I say is that the House must not accept the princple of this Bill. Even if it is accepted it must be with the mcdifications that I have suggested.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): മി. മാധവൻപിള്ളയുടെ ഭേദഗതി ബില്ലിനെ ഞാൻ അനുകൂലിക്കുന്നു. എന്റെ സ്നേഹിതന്മാരിൽ ചിലർ മരുമക്കത്തായ ക്രമത്തിനു് ഇതു് ചുവടെ അപ്രകൃതമായിട്ടുള്ള ഒന്നാണെന്നു ഇവിടെ പറഞ്ഞു. അങ്ങനെ അപ്രകൃതമായ നിയമത്തെ കഴിവുള്ളതും ഭംഗിയാക്കി പ്രകൃതത്തിനു് അനുസരിച്ചതായ ഭേദഗതിചെയ്യേണ്ടതു് അത്യാവശ്യമാണെന്നു് പറയുന്നതിൽ ആക്ഷേപവിപരീതാഭിപ്രായം പറയാൻ സാധിക്കുകയില്ല. പിതൃആജ്ഞിതമായസ്വത്തു് പിതാവിന്റേയൊ മാതാവിന്റേയൊ സന്താനങ്ങൾക്കു് ഇരിക്കണമെന്നല്ലാതെ തുടച്ചയായി അവരുടെ സന്താനങ്ങൾക്കു് ക്രമത്തിനു് പോകണമെന്നു് വിചാരിക്കാൻ യാതൊരുന്യായവും ഇല്ല.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): ഫ ൦ വ്യ വ്യ-നു് ശേഷംഎങ്ങനെയാണു്?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): കാലനിർണ്ണയത്തെപ്പറ്റി പറയുന്നില്ല. ചോദ്യങ്ങൾക്കു് പിന്നീടു മറുപടിപറയാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കാലംനിർണ്ണയപ്പെടുത്തിയശേഷം പറയാമോ?

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MR. V. S. KRISHNA PILLAI (*Tiruvalla*): അതുമില്ല.

DEPUTY PRESIDENT: ഫ 0 വ വ-ന്ന് മുമ്പ് സബ്തറവാട്ട് എന്നു വിചാരിച്ച് ഫുംബെഞ്ചിൽ തീരുമാനം ഉണ്ടായിട്ടുണ്ട് എന്നു പറഞ്ഞു. ഇപ്പോഴത്തെ നിയമം എങ്ങനെ ആണെന്ന് പറയുന്നു. അതു് എങ്ങനേയും ഇരിക്കട്ടെ.

MR. G. P. NILAKANTA PILLAI (*Karunagapalli*): ഫ 0 വ വ-ന്ന് ശേഷം അച്ഛൻകൊടുത്തിട്ടുള്ള ദാന ഉടമ്പടി മക്കൾക്ക് മാത്രമല്ല മകളുടെ മക്കൾക്കുകൂടി കൊടുക്കണമെന്നു വ്യവസ്ഥചെയ്തു കൊടുത്തിട്ടുള്ള പ്രമാണത്തെപ്പറ്റി വല്ലതും അറിയാമോ?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): അങ്ങനെയും കാണുമായിരിക്കാം. അതുകൊണ്ടാണു് മി. മാധവൻപിള്ളയുടെ ബില്ലിനെപ്പറ്റി ഗാഢമായി ആലോചിച്ചശേഷം ഭേദ്യം ഭേദിക്കണമെന്നു് പറയുന്നതു്. ദാതാവിന്റെ പ്രത്യേകം വ്യവസ്ഥകൾ ഇല്ലാതിരിക്കുന്ന വിഷയത്തിൽമാത്രം ഈ ഭേദഗതിബിൽ അനുസരിച്ചു ചെയ്താൽമതി. ഇങ്ങനെയിരിക്കെ ഈ വിഷയത്തിൽ അനാവശ്യമായ സംശയവും ആവശ്യമില്ലാത്തതക്കവും കൊണ്ടുവന്നു് ബില്ലിൽ അടങ്ങിയിരിക്കുന്ന അത്യാവശ്യമായഭാഗങ്ങളെ മറയ്ക്കുന്നതു് എന്തിനാണെന്നു് മനസ്സിലാകുന്നില്ല. ആ തത്വത്തെ പ്രസ്പഷ്ടമാക്കുന്നപക്ഷം തീർച്ചയായിട്ടും ഈ ബില്ലിനു് യാതൊരു വിപരീതാഭിപ്രായവും വരാൻ തരമില്ലെന്നാണു് എനിക്കു് തോന്നുന്നതു്.

MR. R. RAMAN PILLAI (*Kottayam*): അതിന്റെ തത്വം എന്താണെന്നു് മനസ്സിലാകുന്നില്ല.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): ബില്ലിലെ തത്വം, പിതാവിനാൽ ആജ്ഞിക്കപ്പെട്ടസ്വത്തു പിതാവിന്റേയോ മാതാവിന്റേയോ സന്താനങ്ങൾക്കു് വരണമെന്നല്ലാതെ, പിൻതുടർച്ചയായി കൊടുക്കാൻ പാടില്ല എന്നുള്ളതാണു്. അതു് അപ്രകൃതമായതിനാൽ ഭാഗിക്കാൻ പാടില്ല. ഭാഗിക്കണമെങ്കിൽ ദാതാവു് പ്രത്യേകം വ്യവസ്ഥചെയ്തിരിക്കണം. പിൻ തുടർച്ചക്കാർക്കും ഭാഗിച്ചുകൊടുക്കണമെങ്കിൽ ദാതാവ് പ്രത്യേകമായവിധത്തിൽ വ്യവസ്ഥചെയ്തിരിക്കണം. ആങ്ങനെയിരിക്കുന്നസ്ഥിതിക്കു് ഈ ബില്ലിന്റെ തത്വത്തെ എതുക്കുന്നതിന്റെ ഉദ്ദേശം മനസ്സിലാകുന്നില്ല.

MR. R. RAMAN PILLAI (*Kottayam*): ഫ 0 വ വ-ന്ന് മുമ്പ് ഒരു മാതാവോ, പിതാവോ സമ്പാദിക്കുന്ന.....

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MR. V. S. KRISHNA PILLAI (*Tiruvalla*): ചോദ്യങ്ങൾക്ക് പിന്നീട് മറുപടിപറയാം.

MR. R. RAMAN PILLAI (*Kottayam*): ഒരാളിന് ആവശ്യമില്ലെന്നു തോന്നുന്നതു് മറെറാരാളിന് ആവശ്യമായിതോന്നുമെന്നുള്ളതു് മെമ്പ ർക്കറിയാമൊ?

ആവശ്യമായചോദ്യങ്ങൾക്ക് മറുപടിപറയുകയില്ല എന്നു് നിശ്ച യിക്കുന്നതു്—

DEPUTY PRESIDENT: Order, order, he has promised to answer you after he finishes his speech. Naturally his ideas and his line of arguments are upset. His continuity of thoughts should not be disturbed.

MR. R. RAMAN PILLAI (*Kottayam*): ഒടുവിൽ ഇരുന്നുകളയും.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): മരിച്ചുപോയ സ്ത്രീയുടെ സ ന്താനങ്ങൾക്ക് ജീവിച്ചിരിക്കുന്നവരുടെ അവകാശത്തെ ഭാഗിച്ചുകൊടു ക്കണമെന്നു് പറയുന്നതിൽ എന്തു് ന്യായമാണുള്ളതു്. നായർറഗുലേ ഷനു് പൊതുവെ പററിയിട്ടുള്ള അബദ്ധംപോലെ വരാതെ പുരുഷ സ ന്താനങ്ങളേയും ഇതു് സംബന്ധിക്കുന്നുണ്ടെന്നുള്ളതു് തീർച്ചയാണു്. അ ങ്ങനെ ഉണ്ടായിരുന്നാൽ സ്ത്രീസന്താനങ്ങളുടെ തുടർച്ചയായ കുട്ടവകാശം പോകുന്നു. മാതാവും പിതാവും മരിച്ചുപോയശേഷം അവരുടെ അ വകാശം അവരുടെ സന്താനങ്ങൾക്കു് പോകേണ്ടതാണെന്നാണു് എന്റെ അഭിപ്രായം. ഈ ഭേദഗതിയിൽ ഇതുകൂടി വരുത്തേണ്ടതു് അത്യാവശ്യ മാണു്. ഇതു് യുക്തിപൂർവ്വമായി ചെയ്തിട്ടുള്ള ഭേദഗതിയാണെന്നു് എ നിക്കു് തോന്നുന്നില്ല. നാട്ടുനടപ്പും ഹൈക്കോടതിവിധികൊണ്ടും മറും സുസ്ഥാപിതമായിരിക്കുന്ന ഒരു സംഗതിയെപ്പററി വിമർശനം ചെയ്യു കയൊ ഗുണദോഷനിരൂപണം ചെയ്യുകയൊ ചെയ്യേണ്ട ആവശ്യമില്ല. അതുകൊണ്ടു് ആ ഭാഗം വിടുന്നു.

ഇപ്പോൾ മി. മാധവൻപിള്ള കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതിയെ, ഈ സമുദായത്തിനു് അപ്രകൃതമായിവന്നുചേർന്നിട്ടുള്ള പലകാര്യങ്ങളിൽ ഒന്നിനെ എങ്കിലും ഭേദം ചെയ്തുകിട്ടി എന്നുള്ള ഉദ്ദേശത്തോടുകൂടി, സ്വീകരിക്കുന്നതു് നന്നായിരിക്കും. ഈ ബില്ലിന്റെ തത്വത്തെ മന സ്സിലാക്കിയാൽ.....

DEPUTY PRESIDENT: ആ തത്വം എന്താണെന്നു് മനസ്സിലാകുന്നില്ല.

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): നായർ റഗുലേഷനിൽ സമു ദായത്തിനു് അപ്രകൃതമായിട്ടുള്ള പല സംഗതികളും വന്നുചേർന്നിട്ടുണ്ടു്.

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MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): എന്താണ് അപ്രകൃതമെന്ന് മനസ്സിലാക്കുന്നില്ല ?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): അതിനെപ്പററി പറയുന്നതിനുള്ള അവസരം ഇതല്ലാത്തതുകൊണ്ട് ഒന്നും പറയുന്നില്ല.

ഈ ബില്ലിൽ പറഞ്ഞിരിക്കുന്ന സംഗതിയെ സംബന്ധിച്ചെങ്കിലും പ്രകൃതമാക്കി ഭേദംചെയ്ത് പ്രകൃതം അനുസരിച്ച് കൊണ്ടുവന്നിട്ടുള്ള ഈ ഭേദഗതിബില്ലിനെ ഞാൻ അനുകൂലിക്കുന്നു.

MR. R. RAMAN PILLAI (*Kottayam*): ഫാദറിന്റെ മുമ്പ് ഒരു പിതാവിന്റെ അവകാശത്തെ, തന്റെ ഭാര്യക്കോ, പുത്രനോ, പുത്രിക്കോ ആക്കിക്കിലുമോ കൊടുക്കണം എന്നു ഉദ്ദേശവും പതിവും നിയമവും, ഇല്ലാതിരുന്നു എന്നോ ഉണ്ടെന്നോ, മെമ്പർ വിചാരിക്കുന്നത്?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): മാതാവിന്റേയും പിതാവിന്റേയും ഉദ്ദേശം, സാധാരണയായിനിയമം കൊണ്ടല്ലാ തീർച്ചപ്പെടുത്തിവരാറുള്ളതു്.

MR. R. RAMAN PILLAI (*Kottayam*): പിന്നെ പ്രമാണം കൊണ്ടാണോ?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): പ്രകൃതം അനുസരിച്ച് നോക്കുന്നപക്ഷം മാതാവിന്റെയോ പിതാവിന്റെയോ സ്വത്ത് അവരുടെ കുട്ടികൾക്ക് അവകാശപ്പെട്ടിരിക്കണമെന്നല്ലാതെ, മറുപ്രകാരത്തിൽ വിചാരിക്കുവാൻ യാതൊരു ന്യായവും കാണുന്നില്ല.

MR. R. RAMAN PILLAI (*Kottayam*): ആ കാലത്തെനിയമം ഏതു വിധത്തിലായിരുന്നു എന്നാണ് മെമ്പർ വിചാരിക്കുന്നതു്?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): അതു് നോക്കിപ്പറയാം.

MR. R. RAMAN PILLAI (*Kottayam*): നിയമവിരുദ്ധമായി ഒരാൾ ഉദ്ദേശിച്ചിരിക്കുമോ?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): അന്നു് മരിച്ച ആളിന്റെ ഉദ്ദേശത്തെ നിയമപണ്ഡിതന്മാർ വാദപ്രതിവാദം ചെയ്ത് തീർച്ചപ്പെടുത്തുന്നതു് എങ്ങനെയാണു് ?

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): ഒരു കാലത്തെ ആചാരവും നടപ്പുംകൊണ്ടു്, ഒരാളിന്റെ ഉദ്ദേശം എന്തെന്നു് അറിയാൻ സാധിക്കുന്നതാണോ ?

MR. V. S. KRISHNA PILLAI (*Tiruvalla*): നാട്ടുനടപ്പും ആചാരവും കൊണ്ടു് ഒരാൾ പല വിധത്തിലും ചെയ്യേണ്ടതായിവരും.

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DEPUTY PRESIDENT: Do any of you wish to speak?

MR A. THANU PILLAI (*Trivandrum*): It is two O'clock.

DEPUTY PRESIDENT: I can understand that. I have got the timepiece just before me.

MR. A. THANU PILLAI (*Trivandrum*): I want to speak. But it is two O'clock.

DEPUTY PRESIDENT: There is no magic in two O'clock. Do you propose to speak?

MR. A. THANU PILLAI (*Trivandrum*): I want to speak.

DEPUTY PRESIDENT: And you want to speak after lunch?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

DEPUTY PRESIDENT: Alright, we will now rise and meet again at quarter to three.

The Council adjourned for lunch at 2 P. M. and re-assembled at 2-50 P. M., the Dewan-President presiding.

SWEARING IN.

The President was sworn in.

THE NAYAR REGULATION AMENDMENT BILL—(*contd.*)

PRESIDENT: The House will continue the discussion of the Bill to amend the Nayar Regulation of 1100.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, the Amending Bill was published only very recently in the Gazette and the members on this side of the House were unable to invite the opinion of the community on the matter. Therefore I move that the further consideration of the Bill be adjourned under the provisions of Standing Order 26. The debate may be postponed now and continued at a subsequent meeting of the Council.

MR. R. RAMAN PILLAI (*Kottayam*): I second the motion.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I have no objection.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection.

PRESIDENT: The consideration of the Bill stands adjourned.

THE TRAVANCORE PARTITION BILL.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I move that the Travancore Partition Bill be read in the Council.

MR. V. CHELLAM PILLAI (*Tovala*): I second the motion.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, in introducing the Travancore Partition Bill for the consideration of the House, I beg to make the following statement as regards the principles of the Bill. In Travancore after the passing of the Nayar,

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